

Message Text

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PAGE 01 SEOUL 00243 120008Z

61

ACTION PM-07

INFO OCT-01 ISO-00 CIAE-00 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-04 RSC-01 PRS-01 SPC-03 SS-20 USIA-15 IO-14 EA-11

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R 110756Z JAN 74

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC 1989

JSC

INFO SECDEF WASHDC

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CINCPAC

CINCUNC

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E.O. 11652: N/A

TAGS: PINT MARR KS

SUBJECT: APPLICATION OF EMERGENCY MEASURES AGAINST
US FORCES

REF: SEOUL 165

1. CHIEF MOFA NORTH AMERICAN DIVISION II LEE SANG
HOON GAVE EMBOFF FOLLOWING "INFORMAL" PIECE OF PAPER
CONTAINING GUARANTEES THAT EMERGENCY MEASURES WILL
NOT BE APPLIED AGAINST US FORCES AND THAT
ARTICLE 22 OF SOFA REMAINS IN FULL EFFECT:

2. QUOTE: WITH REFERENCE TO THE EMERGENCY
MEASURES PROCLAIMED BY THE PRESIDENT PURSUANT TO
ARTICLE 53 OF THE CONSTITUTION ON JANUARY 3, 1974,
THE GOVERNMENT OF THE REPUBLIC OF KOREA IS OF
THE FOLLOWING VIEWS AS REGARDS THE ROK-US STATUS OF
FORCES AGREEMENT:

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PAGE 02 SEOUL 00243 120008Z

1. THE PROVISIONS OF THE EMERGENCY MEASURES OF

JANUARY 8 WILL NOT BE APPLIED AGAINST MEMBERS OF THE US ARMED FORCES, CIVILIAN COMPONENT AND THEIR DEPENDENTS COVERED BY THE SOFA.

2. WITH THE EXCEPTION OF EMERGENCY MEASURES THE NORMAL JUDICIAL PROCESSES REMAIN OPERATIONAL AND WITH REGARD TO ALL CRIMINAL ACTIONS AGAINST THOSE COVERED BY THE SOFA ARTICLE 22, SOFA REMAINS IN FULL FORCE AND EFFECT ALL SAFEGUARDS OF THE SOFA ARE GUARANTEED. UNQUOTE.

3. LANGUAGE OF THIS GUARANTEE IS IDENTICAL TO OUR REQUEST (REFTEL) EXCEPT THT IT DROPS PHASE "AND OTHER PERSONNEL" BETWEEN WORDS "DEPENDENTS" AND "COVERED" IN SUBPARAGRAPH 1. SINCE LANGUAGE OF MOFA'S GUARANTEE IN FACT CONFORMS EXACTLY TO PHRASEOLOGY IN ARTICLE 22 OF SOFA WE BELIEVE IT IS ACCEPTABLE.

4. LEE AGREED THAT TO GIVE ROKG GUARANTEE FORMAL STATUS IT WOULD BE READ INTO MINUTES OF NEXT SOFA MEETING TO BE HELD JANUARY 24.
ERICSON

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Message Attributes

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